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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11

12 JANIS B. REDA, an individual,

CASE NO.: 2:22-cv-00974-CDS-VCF

13 Plaintiff,

14 vs.

15 UNUM LIFE INSURANCE COMPANY OF
16 AMERICA, a foreign corporation; DOE
17 INDIVIDUALS 1-10; ROE CORPORATIONS 1-
18 10,

19 Defendants.

**STIPULATION AND ORDER TO EXTEND
DUE DATE OF DISCOVERY PLAN AND
SCHEDULING ORDER**

(First Request)

20

21 Plaintiff Janis B. Reda (“REDA”) and Defendant Unum Life Insurance Company of America,
22 (UNUM), collectively known as the “Parties,” by and through their respective counsel, pursuant to
23 Rule 29(b) of the Federal Rules of Civil Procedure (“FRCP”), Local Rule IA 6-1 and Local Rule 26-3
24 of the United States District Court, District of Nevada, (“LR”), hereby submit this Stipulation and
25 (Proposed) Order to extend the due date of the Court’s order of October 25, 2022 setting
26 November 7, 2022 as the due date for the filing of the parties’ proposed discovery plan and
27 scheduling order. This is the parties’ first request for an extension. Good cause exists for an extension
28 of the due date.

1 **Good Cause For Extension**

2 Plaintiff's attorney, Shane W. Clayton, Esq. of Clayton & Company, has had serious health
3 issues for the entire month of October. For much of the month of October, Mr. Clayton was ill due
4 to an unknown physiological complication that resulted in undiagnosed trips to the Emergency Ward,
5 a multi-day stay in hospital and ultimately resulting in emergency surgery on Friday, October 21 to
6 resection a portion of his bowel. (See Declaration of Shane W. Clayton, attached hereto). Mr.
7 Clayton is under medical restrictions, requiring constant and complete bed rest and limited activity.

8 Good Cause exists for this stipulation and order for extension of the due date as required
9 pursuant to LR 26-3. The order setting November 7, 2002 as the due date for the filing of the
10 Discovery Plan and the Scheduling Order was served on October 25, 2002. Mr. Clayton was in the
11 hospital, incommunicado, when it was served, and has been unaware of the order setting the
12 November 7 due date, until this morning.

13 **No Prejudice to the Parties If Extension Is Granted**

14 An extension of the due date will not cause harm or prejudice to either party. Just the
15 opposite will result if an extension is granted. The parties, through counsel, have been engaged in
16 settlement discussions. Needless to say, Mr. Clayton's illness has interfered in these discussions.

17

18 **Declaration of Shane W. Clayton.**

19 I, Shane W. Clayton, declare, I am an attorney duly licensed in the State of Nevada and
20 am admitted to practice before this court. I have personal knowledge regarding the matters and
21 facts in this declaration. I can testify, under penalty of perjury of the truthfulness of these facts.

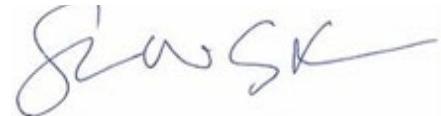
22 I have suffered a debilitating illness for several months. Despite trips to the emergency ward
23 and several tests, no diagnosis was given. My last trip to the hospital resulted in my having
24 "exploratory surgery" which became emergency surgery on October 21, wherein four inches of
25 inflamed small intestines had to be surgically removed then reconnected.

26 I am currently under medical orders of a special diet, limited movement, no lifting and
27 complete bed rest. It is anticipated that my recovery will take 3 to 6 weeks with a gradual build

1 up of my strength so I can return to full time work.

2 Defense counsel has been made aware of my situation and has graciously agreed to this
3 stipulation and order to extend for 60 days the due date of the Defense Plan and Scheduling Order.
4 The sixty days extension will give me time to hold a conference with Defense Counsel, to discuss the
5 discovery plan and scheduling order. It will also allow me sufficient time to recuperate from surgery,
6 return to full time work and get "up to speed" on my cases.

7 I declare under the penalty of perjury under the laws of the State of Nevada that the
8 foregoing to true and correct. Executed November 3, 2022

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10 

11 _____
Shane W. Clayton

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15 **STIPULATION AND ORDER**

16 **IT IS HEREBY STIPULATED** by and between the parties, by and through their attorneys of
17 record, to extend the due date of the Discovery Plan and Scheduling Order to December 7, 2022.
18 The parties hereby submit this stipulation and order directly to Cam Ferenbach, United States
19 Magistrate Judge, for approval.

20 **1. The Current Due Date:**

21 The submission Discovery Plan and Scheduling Order is currently set for Monday, November
22 7, 2022.

23 **2. Reason and Good Cause**

24 The parties have shown that Good cause exists to continue and extend the due date for
25 submission of the Discovery Plan and Scheduling Order, in that Plaintiff's Counsel, Shane W. Clayton,
26 Esq. has suffered a serious medical issue resulting in emergency abdominal surgery and restrictions
27 of complete bed rest.

28 //

1 **3. New Due Date for Discovery Plan and Scheduling Order**

2 The parties agree and stipulate that the new due date for filing of the Discovery Plan and
3 Scheduling Order is January 6, 2023.

4 **IT IS SO STIPULATED.**

5 Dated: November 3, 2022

6 _____
7 /s/ *Shane W. Clayton*

8 Shane W. Clayton, Esq.
9 Attorney for Plaintiff
Nevada Bar No: 8783

6 _____
7 /s/ *Nicole True*

8 Nicole True, Esq.
9 Attorney for Defendant
Nevada Bar No: 12879

10 **IT IS SO ORDERED:**

11 

12 _____
13 CAM FERENBACH
14 UNITED STATES MAGISTRATE JUDGE

15 _____
16 DATE: 11-7-2022